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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/808,200 | 03/13/2001 | Stephen H. Pettigrew | PET1P001A | 4219 |

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| EXAMINER | |
|---|---|
| HUNTER, ALVIN A | |
| ART UNIT | PAPER NUMBER |
| 3711 | |

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/808,200 | Applicant(s) PETTIGREW ET AL. | |
|---|---|---|---|
| | Examiner Alvin A. Hunter | Art Unit 3711 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *24 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *21-26,30-35 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-26,30-35 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 21, 23, 25, 30, 32, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530).

Knight et al. discloses a golf ball having spots or marks which will indicate to the eye of the player the point at which the club should strike the ball and indicate the direction in which the ball should fly (See Page 1, lines 31 through 41). In Figures 3, 4, and 5, golf ball are shown having a pair of bands flanking the equator line. These bands also inherently indicate any spin associated with the ball after being struck. Knight et al. does not disclose having a pair of band flanking the equator in parallel relation and a putting marking on the equator of the golf ball. Karasavas discloses a golf trainer in which places markings on a golf ball (See Abstract). In one particular embodiment, Karasavas discloses a golf ball having circular markings (27, 28, 29, 30) concentrically around the poles, in which circular markings 27 and 28 forms a line parallel to the equator of the golf ball as shown in Figure 5 (See Column 4, lines 23 through 26). It is noted that the circles indicated alignment and misalignment before and after hitting the ball, which inherently associates spin (See Column 4, lines 55

through 62). Being that both Knight et al. and Karasavas both indicated the spin of the golf ball, one having ordinary skill in the art would have found having the bands flanking the equator in parallel relation to the equator as being a mere obvious design choice. Sellar discloses a golf ball having a plurality of colored lands along the great circles to ensure contact point between the putter and ball on a land (See Figures 1-3 and Column 3, lines 1 through 13). Any of the lands are also capable of being a marking to indicate lining the ball with the tee. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have any number of lands, or markings, on the great circles of the golf ball to align the putter and tee with the golf ball.

2. Claims 22, 24, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530) in further view of Johnson (USPN 5704846) and Ryan (USPN 2035277).

Knight et al. in view of Karasavas (USPN 5133556) and Sellar does not disclose text indicating where to hit the golf ball. OFFICIAL NOTICE was taken that it is common within the art to use text to indicate instructions. Johnson discloses a training device for golfers having swing tips printed thereon, in which the swing tips help the user prepare for a swing (See Column 6, lines 45 through 55). One having ordinary skill in the art would have found it obvious to incorporate text on any type of device or object, as taught by Johnson, in order to indicate instructions, in particular, how to address a golf ball. OFFICIAL NOTICE was also taken that it is common within the art to use color to

distinguish elements that are the same. Ryan discloses a game apparatus that include sets of balls in which each set of balls are distinguished from each other by having stripes of different colors (See Page 2, lines 12 through 28). One having ordinary skill in the art would have found it obvious to have any number of golf balls of a number of colors, as taught by Ryan, in order to distinguish a golf ball from another golf ball. Johnson and Ryan has been used in place of the OFFICIAL NOTICE and thus does not necessitate new art.

3. Claims 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530) in further view of Goranson et al. (USPN 3420529)

Knight et al. in view of Karasavas (USPN 5133556) and Sellar does not disclose a golf ball having feet indicia for indicating how the user's feet should be situated when addressing the golf ball. Goranson et al. discloses a golf ball having feet marking which show the proper positions of a golfer's feet for various clubs (See Entire Document). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have feet indicia on a golf ball, as taught by Goranson et al., in order teach the user the proper stance when addressing the golf ball.

***Response to Arguments***

Applicant's arguments with respect to claims 21-26, 30-35, and 38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul T. Sewell
Supervisory Patent Examiner
Group 3700